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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,267	09/16/2003	Natalie Timms	50325-0783	3417
29989 7590 08/11/2008 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110				
EXAMINER GEE, JASON KAI YIN				
ART UNIT		PAPER NUMBER		
2134				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,267

Applicant(s)

TIMMS, NATALIE

Examiner

JASON K. GEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-15, 17-23, 27, 28, 30-32, 37, 38 and 40-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15, 17-23, 27, 28, 30-32, 37, 38 and 40-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is response to communication: amendment filed on 06/04/2008.
2. Claims 1,2,4-15,17-23,27,28,30-32,37,38 and 40-50,are currently pending in this application. Claims 1, 11, 14, 27, and 37 are independent claims.
3. No new IDS has been received for this application.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. The previous claim objections have been withdrawn in response to applicant's amendments.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. The previous claim rejections have been withdrawn in response to applicant's amendment.

Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 5-7, 11, 14, 15, 18-20, 27, 28, 31, 32, 37-38, 41-43, and 47 are rejected under 35 U.S.C. 103(a) as being anticipated by Buer et al. US Patent Application Publication 2004/0005061 (hereinafter Buer), in view of Benayoun et al. US Patent No. 6,804,257 (hereinafter Ben), and further in view of Roch et al. US patent Application Publication 2005/0088977 (hereinafter Roch).

As per claim 1, Buer teaches a method for applying a service to an encrypted packet comprising: examining an encrypted packet (paragraph 76); determining whether an identifier associated with the service is present in the encrypted packet (paragraph 76); in response to determining that the identifier is present in the encrypted packet, applying the service to the encrypted packet (paragraphs 76 and 77).

However, at the time of the invention, Buer does not explicitly teach wherein the service is a quality of service parameter. This is taught by Ben, in col. 6 lines 1-33. Ben also teaches that the QoS identifier may be retrieved without decrypting the encrypted packet (as the identifier is in the header/profile portion of the packet, and the starting header is unencrypted, as shown in col. 5. lines 60-68 and col. 8 lines 5-14; also col. 5 lines 5-9; the data in the packet is encrypted though, as seen in Figure 5). The header is received during initial establishment of a secure control channel, in which it receives

and stores an identifier associated with the quality of service (col. 4 line 63 to col. 5 line 50; and col. 7 line 49 to col. 8 lines 35).

Buer also teaches the use of IKE Id's in the packet profile portions, such as in paragraph 43. The IPsec protocol requires packets to contain identifiers in the profile portion of the packet. As taught in paragraph 43, the identifier may consist of associations with a security association. Although the relation between QoS and IKE id's are not explicitly taught, Roch teaches these associations and that the IDs are mapped to the IKE IDs of the packet, without dismantling the packet, such as in paragraphs 30, 31, 33, and 34. As seen in Roch, Roch teaches using IKE Id's to associate with QoS parameters. Multiple ID's are associated with the QoS parameters, as there is one for the inner packet and one for the outer packet (in regards to encapsulated packets, As seen in paragraph 29, 30, 33, and 34). These QoS parameters are then applied to the packets.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Buer with Ben. One of ordinary skill in the art would have been motivated to perform such an addition to better adapt to transportation mediums to the various sources of data encountered in a multimedia environment. This is taught by Ben in col. 2 lines 38-46.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the Roch reference with the Buer combination. One of ordinary skill in the art would have been motivated to perform such an addition to renegotiate QoS

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parameters without dismantling a packet (paragraph 29), which would allow packets to be processed more efficiently and faster (paragraph 10).

As per claim 2, Buer teaches encrypting the packet, wherein said step of encryption includes establishing said identifier in the packet (paragraphs 73-75 and paragraph 43)

As per claim 5, Buer teaches wherein the identifier is based on at least an entry in a security association database (paragraph 76). Ben also teaches security associations, such as in col. 5 lines 38-50.

As per claim 6, Ben teaches throughout the reference that identifiers maps to quality of service groups, as can be seen in col. 6 lines 5-34.

As per claim 7, Roch teaches wherein the identifier is created in a profile of the packet (paragraph 29 and 33)

As per claim 11, Buer teaches a method for applying a service to a packet comprising: encrypting the packet to create an encrypted packet (paragraphs 73-75); examining an identifier in the encrypted packet (paragraph 76), wherein the identifier is based on an IKE ID of the encrypted packet (paragraph 43, 72, wherein IKE is an Ipsec standard protocol); determining whether the identifier in the encrypted packet is associated with a service to be applied to the encrypted packet (paragraph 76); and if it is determined that the identifier is associated with a service to be applied to the encrypted packet, applying the service to the encrypted packet (paragraphs 76 and 77).

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Also, the additional limitations of this claim are rejected using the same basis of arguments used to reject claims 1 and 3 above.

Claims 14, 15, 18, and 20 are rejected using the same basis of arguments used to reject claims 1, 2, 5, and 7, respectively. Buer teaches a processor to perform such functions, and it is inherent that a computer processing system would include a computer readable medium with instructions to perform the steps taught.

Claims 19 is rejected using the same basis of arguments used to reject claim 6. Buer teaches a processor to perform such functions, and it is inherent that a computer processing system would include a computer readable medium with instructions to perform the steps taught.

Independent claim 27 is rejected using the same basis of arguments used to reject claim 1, wherein an apparatus and the means to perform the methods are taught throughout Buer.

Claim 28 is rejected using the same basis of arguments used to reject claim 2.

Claim 31 is rejected using the same basis of arguments used to reject claim 5.

Claim 32 is rejected using the same basis of arguments used to reject claim 6.

Independent claim 37 is rejected using the same basis of arguments used to reject claims 1 and 14 above. Memory, processors, and instructions stored to perform such steps are inherent to the teachings taught in Buer, and may be found, for example, in paragraphs 32-35, 39, 47, etc.

Claim 38 is rejected using the same basis of arguments used to reject claims 2 and 14 above.

Claim 41 is rejected using the same basis of arguments used to reject claim 5 above.

Claim 42 is rejected using the same basis of arguments used to reject claim 6 above.

Claim 43 is rejected using the same basis of arguments used to reject claim 7 above.

Claim 47 is rejected using the same basis of arguments used to reject claim 7 above.

10. Claims 4, 8, 17, 21, 30, 40, 44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buer and Ben as applied above, and in view of Piper's "The Internet IP Security Domain of Interpretation for ISAKMP" (November, 1998, hereinafter Piper).

As per claim 4, Buer does not explicitly teach wherein the IKE ID comprises one or more of ID_IPV4_ADDR, ID_FQDN, ID_USER_FQDN, ID_IPV4_ADDR_SUBNET, ID_IPV6_ADDR, ID_IPV6_ADDR_SUBNET, ID_IPV4_ADDR_RANGE, ID_IPV6_ADDR_RANGE, id_DER_ASNI_DN, ID_DER_ASNI_GN, and ID_KEY_ID. However, these identifiers are well known in the IKE protocol, as shown in pages 19 and 20 of Piper.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include the specific identifiers taught in claim 4. One of ordinary skill in the art would have been motivated to perform such an addition as the identifiers that are taught are standard identifiers in the IPSEC protocol, in which IKE is an IPSEC standard protocol. This is shown in page 17 of Piper, where it indicates in 4.6.1.1 the identifiers in IPSEC.

As per claim 8, Piper discusses the use of ISAKMP throughout the reference, such as in pages 1 and 2.

Claims 17 and 21 are rejected using the same basis of arguments used to reject claims 4 and 8, respectively. Buer teaches a processor to perform such functions, and it is inherent that a computer processing system would include a computer readable medium with instructions to perform the steps taught.

Claim 30 is rejected using the same basis of arguments used to reject claim 4.

Claim 40 is rejected using the same basis of arguments used to reject claims 4 and 17 above.

Claim 44 is rejected using the same basis of arguments used to reject claim 8 above.

Claim 48 is rejected using the same basis of arguments used to reject claim 8 above.

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11. Claims 9, 10, 12, 22, 23, 45, 46, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buer and Ben as applied above, and in view of Valenci et al. US Patent Application Publication 2003/0005279 (hereinafter Valenci).

As per claim 9, Buer does not explicitly teach pre-classification of the packet prior to the step of encryption. It does teach, however, associations of identifiers and session keys before encryption, as taught in paragraphs 73 and 74. The pre-classification of the packet itself is taught in Valenci in paragraphs 34 and 37.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include the teachings of Valenci with Buer. Preclassifying a packet is important because it allows a data packet to be processed correctly. This is taught in paragraph 34: "Packet classification feature 351 enables intermediate driver agent 300 to match a data packet with its corresponding crypto information from a table of crypto information so that the data packet can be processed correctly.)

As per claim 10, the Ben and Buer reference teach throughout the reference, as can be seen in the rejection for claim 1, that quality of service is applied based on identifiers and security associations. Valenci then teaches wherein services are applied based the preclassification which are associated with security associations (paragraph 27, 34, 35).

Claim 12 is rejected using the same basis of arguments used to reject claims 9 and 10 above. Pre-classifying packets based on contents of the packet is taught in paragraphs 34 and 37.

Claims 22, and 23 are rejected using the same basis of arguments used to reject claims 9 and 10, respectively. Buer teaches a processor to perform such functions, and it is inherent that a computer processing system would include a computer readable medium with instructions to perform the steps taught.

Claim 45 is rejected using the same basis of arguments used to reject claim 9.

Claim 46 is rejected using the same basis of arguments used to reject claim 10.

Claim 49 is rejected using the same basis of arguments used to reject claim 9 above.

Claim 50 is rejected using the same basis of arguments used to reject claim 10.

12. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buer and Ben as applied above, and in view of Ylonen et al. US Patent Application Publication 2002/0062344 (hereinafter Ylonen).

As per claim 13, Buer does not explicitly teach copying at least one bit into a header to identify a characteristic of the packet. However, this is taught in Ylonen in paragraph 11. Applying a service based on the identifier is taught in Buer in paragraphs 73-75, and applying the service based on the header value and the identifier is taught in paragraph 11 of Ylonen. Ben also teaches these elements, as shown in Figure 5 and described throughout the application.

At the time of the invention, it would have been obvious to combine the teachings of Ylonen with Buer. Header information including at least one bit to identify a characteristic of a packet is well known in the art, as described in Ylonen. As is taught

in Ylonen in paragraph 11, this is well known using the Ipsec protocol, and it would be obvious to combine the features taught in paragraph 11 with the invention of Buer, as Buer teaches the utilization of the Ipsec protocol.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. GEE whose telephone number is (571)272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Gee
Patent Examiner
Technology Center 2100
08/07/2008

/ELLEN TRAN/
Primary Examiner, Art Unit 2134